

STEVEN S. BISS

ATTORNEY AT LAW
300 WEST MAIN STREET, SUITE 102
CHARLOTTESVILLE, VIRGINIA 22903
TELEPHONE: 804-501-8272
FAX: 202-318-4098
EMAIL: stevenbiss@earthlink.net
stevensbiss@protonmail.ch
<https://truthsocial.com/@stevenbiss>

MATTER NO.

296-001

July 17, 2023

VIA CM/ECF

Hon. Sarah L. Cave
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Courtroom 18A
New York, New York 10007

RE: Flynn v. Cable News Network, Inc.
Case 1:21-cv-02587 (GHW/SLC)

Dear Judge Cave:

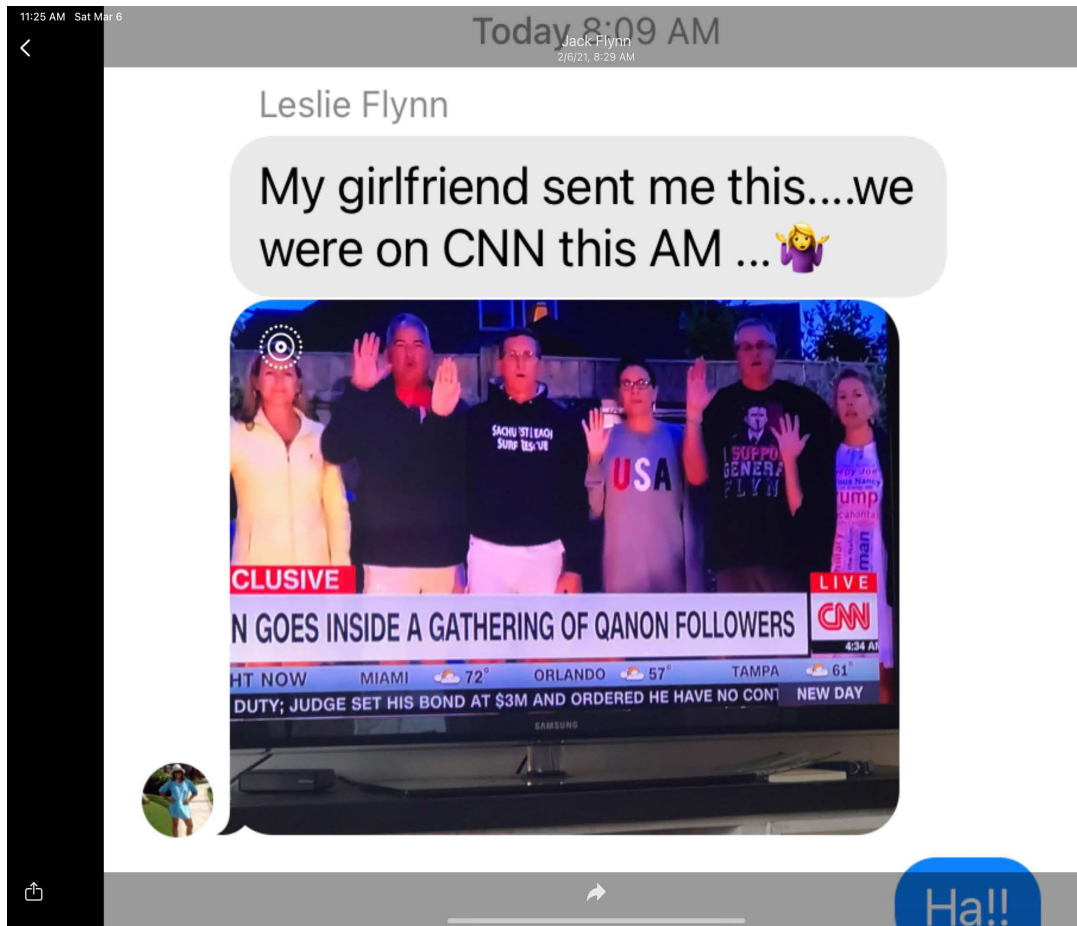
I represent Plaintiffs, John P. “Jack” Flynn and Leslie A. Flynn (the “Flynnns”) in this matter. This letter responds to Defendant Cable News Network, Inc.’s (“CNN”) letter motion dated July 12, 2023 [*ECF No. 155*].

1. Maryellen Sullivan’s February 6 Text

On June 27, 2023, Leslie Flynn amended and supplemented her interrogatory answer pursuant to Rule 26(e). In her amended and supplemental interrogatory answer, Leslie Flynn fully complied with the Court’s Order [*ECF No. 151*]:

- Leslie Flynn provided the details of her communications with her friend, Maryellen Sullivan, including the dates and substance of the communications, and produced all documents that evidence such communications;
- Leslie Flynn searched for the February 6, 2021 text message on her phone, but could not find it and does not know what happened to it. She initially thought that she was unable to locate the text because of a hack of her Facebook account. She explained this in her June 27 amended and supplemental interrogatory answer. She realized that she was wrong about Facebook, and corrected her interrogatory answer on July 6.

- Significantly, Leslie Flynn disclosed in her interrogatory answer that while she could not find the original February 6, 2021 text, she had forwarded the text to her husband on March 22, 2021. That March 22, 2021 text is identified in Leslie Flynn's amended and supplemental interrogatory answer, and a copy was produced to counsel for CNN and bates-stamped **PX 2360**.
- The text from Maryellen Sullivan included a screenshot of the CNN Report, which aired on February 6, 2021 at 7:00 a.m. Leslie Flynn texted the screenshot to her husband on February 6, 2021. This text is identified in Plaintiffs' original complaint [*ECF No. 1, p. 5*]. The full text confirms that it was sent to "Jack Flynn" on "2/6/21" at "8:29 AM":¹



Between June 27, 2023 and July 6, 2023, in an effort to address questions from counsel for CNN about Leslie Flynn's interrogatory answers, the Flynnns again searched their phones for the original February 6, 2021 text message.

¹ The time stamp "11:25 AM Sat Mar 6" in the top left corner of the document is the date counsel took a screenshot of the text he received that day (March 6) from his clients at 8:09 AM.

Jack Flynn found an exact copy of the February 6, 2021 text backed up on the iCloud. The Flynnns produced that document [PX 2359]. It is an exact copy of what Leslie Flynn sent to Jack Flynn on March 22, 2021 [PX 2360].

As was explained to counsel for CNN, the Flynnns do not know why the header of PX 2359 says “New iMessage” or why the document says “To: Maryellen”. The body of the text clearly shows that Maryellen Sullivan watched the CNN Report on February 6, 2021, took a screenshot of the Flynnns’ image above the chyron “**QANON FOLLOWERS**”, commented that the Flynnns had made “national news”, and included an insane-faced emoji. Maryellen Sullivan did not make “national news” on February 6, 2021. The Flynnns did because CNN chose to republish the CNN Report on February 6, 2021.

On July 6, 2023, Leslie Flynn served a second amended and supplemental interrogatory answer, and produced complete copies of the documents, which counsel for CNN insisted be bates-stamped.²

CNN knows the truth, but instead chooses to pretend there is an issue concerning Maryellen Sullivan’s February 6, 2021 text. The Flynnns disclosed Maryellen Sullivan and the February 6, 2021 text in their initial Rule 26(a)(1) disclosures. CNN sent a private investigator to interview Ms. Sullivan. The Flynnns understand that Ms. Sullivan cooperated with CNN and answered whatever questions were asked. CNN knows the truth.

Importantly, counsel for CNN knows that PX 2359 is the **exact same** text as PX 2360 and that the February 6, 2021 text from Maryellen Sullivan was preserved in two different locations.

2. **Barbara Redgate**

Discovery is closed. The Flynnns cooperated fully in CNN’s efforts to locate Barbara Redgate, including answering an interrogatory that identified her address. Barbara Redgate does not possess “key information”, has **no** “connection to QAnon”, and Jack Flynn did not “solicit funds from the QAnon community”. As counsel for CNN knows, these assertions are “hogwash”. Whether Barbara Redgate was “trustee” of a legal defense fund for General Flynn is completely irrelevant to the issues in this case.

Yours very truly,

/s/ Steven S. Biss

Steven S. Biss

² In its letter motion, counsel for CNN suggests that the Flynnns waited until July 6 to produce PX 2359, 2360 and 2361. This is not true. Leslie Flynn’s June 27 amended and supplemental interrogatory answers included complete reproductions of PX 2360 and PX 2361.